THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16712 of 2007

06.8.2007

Between:
Bachu Rajaram, S/o.Veeraiah

…Petitioner

And

The Special Deputy Collector & Revenue Divisional Officer,
Ranga Reddy East Division at Goshamahal, Hyderabad
And others

…Respondents

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ORDER:

The petitioner is respondent No.3 in appeal No.A2/3508/03 pending before the first respondent. The said appeal was filed under Section 5(5) of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) by respondents 2 to 11 herein against Form-XIII(A) issued under Section 5-A(2) of the Act and Rule 22(5)(i) of Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 (the Rules, for brevity) in proceedings Ror.No.5.A/29/98.G, dated 31.3.1998, issued by the Mandal Revenue Officer, Ghatkesar Mandal (MRO). The first respondent by impugned interim order suspended the purported order of the MRO aggrieved by which, petitioner filed the instant writ petition.

The events and background of the case for filing this case are not cohesively and comprehensively stated in the affidavit accompanying the writ petition. A perusal of various documents filed along with the writ petition would reveal that 12th respondent herein filed an application under Section 5-A of the Act before the MRO for regularization of the unregistered sale transaction in respect of the land admeasuring Acs.3.33 gts in survey No.322 situated at Ghatkesar village, which he allegedly purchased from Smt.Rasheeda Begum, W/o.Urooz Ahmed Khan. Considering the said application, the MRO issued the order dated 31.3.1998 requiring 12th respondent to deposit a sum of Rs.1,650/- towards stamp duty. Respondents 2 to 11 herein filed appeal before the first respondent. In the appeal they alleged that they and respondents 12 and 13 herein are absolute owners and

possessors of land in survey No.322, which was purchased by their ancestors, that in 1997-1998, name of the petitioner was recorded as pattadar in the revenue records, and that the names of the appellants were rounded of without giving any notice to them. They also alleged that 12th respondent colluded with the MRO and got prepared Form-XIII(A) and is trying to knock away the property with the help of 13th respondent and the petitioner herein. They specifically alleged that there was no notice to them.

Along with the appeal, they also sought for stay. While the matter was pending, 14th respondent herein filed an application to implead him in the appeal before the first respondent. After hearing arguments of the counsel, first respondent passed an order on 17.7.2007 suspending the orders of the MRO dated 31.3.1998 and posted the matter to 18.8.2007. This writ petition is filed against the interim order of the first respondent.

Learned Counsel for the petitioner vehemently contends that when the application filed by 14th respondent to implead him in the appeal is pending, and without passing orders therein, first respondent could not have validly passed the impugned order suspending the order of the MRO after lapse of nine years. Secondly he contends that the first respondent passed the impugned order without notice to the petitioner herein and therefore it is bad in law. **Opposing** the writ petition learned Government Pleader for Revenue submits that the order of the MRO impugned before the first respondent does not confer any rights and it only advised 12th respondent to pay the stamp duty as required under Rule 22(5)(i) of the Rules. Secondly he submits that the respondents 2 to 11 *inter alia* contended before the first respondent that there was no notice to him by the MRO and therefore the impugned order is not vitiated for any reason.

As rightly pointed out by the learned Government Pleader, the writ petition is wholly misconceived for reasons more than one. First, it is only an *ex parte* order and it is always open to the petitioner to approach the first respondent and file an application for vacating/modifying the order impugned in the writ petition. Secondly, if the petitioner is aggrieved by the order of interim suspension passed by the first respondent as against the proceedings of the MRO in Form-XIII(A), he has a remedy by way of revision before Joint Collector under Section 9 of the Act. Thirdly, the matter stands posted to 18.8.2007 and it is always open to the petitioner to press for final disposal of the matter. Therefore, this Court is not inclined to accept the writ petition. Liberty is given to the petitioner to approach the first respondent and seek expeditious disposal of the matter or file

appropriate application to vacate the order of interim suspension impugned in this writ petition.

The writ petition, with the above observations, is accordingly dismissed. No cost.

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(**V.V.S.RAO, J**)

August 06, 2007
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